

REMARKS

In the Restriction Requirement dated October 4, 2007 ("Restriction Requirement"), the Examiner required restriction to one of the following inventions:

Group I: Claims 1-2, drawn to a DNA construct.

Group II: Claim 3, drawn to a method of producing a plant having a particular phenotype (Restriction Requirement at page 2).

The Office also required Applicants to elect one of the following species for examination:
SEQ ID NO:1-3549 encoding SEQ ID NO: 3550-7098, respectively.

Applicants elect, without traverse, the subject matter of Group I: Claims 1-2, drawn to a DNA construct. Further, Applicants elect, without traverse, SEQ ID NO: 3366 encoding SEQ ID 6915 for further examination on the merits.

CONCLUSION

In view of the above, each of the presently pending claims is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. The Examiner is encouraged to contact the undersigned at (202) 942-5186 should any additional information be necessary for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Holly Logue Prutz". The signature is stylized with a large, looped "H" and "L".

Holly Logue Prutz (Reg. No. 47,755)

David R. Marsh (Reg. No. 41,408)

Date: December 4, 2007

ARNOLD & PORTER LLP
555 12th Street, N.W.
Washington, D.C. 20004
(202) 942-5000 telephone
(202) 942-5999 facsimile